

MRS. SHIZUKO YAMANE

AUGUST 20 (legislative day, AUGUST 1), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 644]

The Committee on the Judiciary, to which was referred the bill (H. R. 644) for the relief of Mrs. Shizuko Yamane, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the racial bar to admission into the United States for the wife of a United States citizen and the mother of three United States citizen children. No quota charge is provided for in the bill inasmuch as the alien wife of a United States citizen normally enjoys nonquota status.

STATEMENT OF FACTS

The beneficiary of the bill is a 40-year-old native and citizen of Japan and the wife of Mr. Kanichi John Yamane, who is a native-born citizen of the United States. They have three United States citizen children who are presently residing with Mr. Yamane in Gardena, Calif. Without the waiver provided for in the bill the beneficiary would be unable to enter the United States to join her citizen husband and children.

A letter dated April 25, 1951, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to the case, reads as follows:

APRIL 25, 1951.

Hon. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 644) for the relief of Mrs. Shizuko Yamane, an alien.

The bill would provide that, notwithstanding the provision of law excluding from admission to the United States persons of races ineligible to citizenship, Mrs. Shizuko Yamane, Japanese wife of Kanichi John Yamane, a citizen of the United States, and the mother of three United States citizen children, shall be admitted to the United States for permanent residence upon application hereafter filed and without presenting an immigration visa or other travel documents, if she is otherwise admissible under the immigration laws. It would also direct the Secretary of State to instruct the quota-control officer to deduct one number from the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that Mrs. Yamane is a native and citizen of Japan, having been born in Hiroshima Ken, Japan, on March 15, 1911. She is presently residing in her native country. Her husband, Mr. Kanichi (John) Yamane, is a native-born citizen of the United States who was born in Hawaii in 1904. He stated that he resided in Japan from the age of 10 until he was 27 years of age, when he returned to this country, where he has since resided with the exception of visits to Japan in 1947 and 1948. Mr. and Mrs. Yamane were married in 1927 or 1928 and have three children, who are presently residing with Mr. Yamane in Gardena, Calif. The children returned to the United States in 1948. Mrs. Yamane resided in this country from 1935 until 1938. Mr. Yamane advised that he is a partner with three brothers in a business, the net worth of which is about \$117,000.

It is noted that the bill as drafted would provide for the admission to the United States of the alien without the presentation of an immigration visa or other travel documents, thus placing the determination of her admissibility to this country as a permanent resident entirely upon the immigration and naturalization officials at the port of entry, and making no provision for investigation by United States Government officials located in the country of her present residence.

Mrs. Yumane, being of the Japanese race, is ineligible for naturalization under section 303 of the Nationality Act of 1940 and thus is inadmissible to the United States for permanent residence under section 13 (c) of the Immigration Act of 1924. In the absence of general or special legislation she may not be admitted to this country for permanent residence.

Whether, under the circumstances in this case, the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation. If the measure should receive favorable consideration by the committee, however, it is suggested that it be amended by deleting all after the enacting clause and substituting the following:

"That, in the administration of the immigration and naturalization laws, the provisions of section 13 (c) of the Immigration Act of 1926 (U. S. C., title 8, sec. 213 (c)) which excludes from admission to the United States persons who are racially ineligible to citizenship shall not hereafter apply to Mrs. Shizuko Yamane the Japanese wife of Kanichi John Yamane, a citizen of the United States, and the mother of three United States citizen children, and that the said Mrs. Shizuko Yamane may be permitted to enter the United States as a nonquota immigrant, if otherwise admissible for permanent residence, upon the presentation of the documents required by the immigration and naturalization laws for an alien to be admitted to the United States for permanent residence.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 644) should be enacted.